

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

DAVID BRIAN MORGAN,	)	
	)	
Petitioner,	)	
	)	
v.	)	Case No. CIV-24-1275-R
	)	
JOE BIDEN, et al.,	)	
	)	
Respondent.	)	

**ORDER**

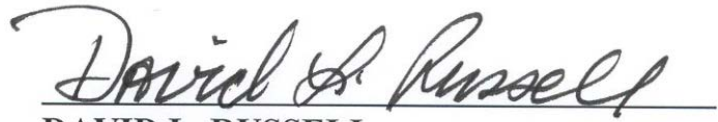
Petitioner filed this action seeking a writ of habeas corpus. The case was originally referred to United States Magistrate Judge Shon T. Erwin for preliminary review. The Court hereby withdraws the reference and dismisses this case for lack of jurisdiction as a second or successive habeas petition.

Petitioner returns to this Court seeking to once again challenge his March 30, 2011 conviction in the District Court of Oklahoma County, Case No CF-2010-7695, for which he is serving life. Although his Petition references 28 U.S.C. § 2241, his allegations constitute an attack on the validity of his state court conviction and sentence and the Petition is therefore brought pursuant to 28 U.S.C. § 2254. Petitioner has unsuccessfully attempted to challenge his conviction and sentence, both in district court and in the Tenth Circuit, on numerous occasions. *See, e.g., Morgan v. United States*, No. 23-2079, 2023 WL 5622932, at \*1 (10th Cir. Aug. 31, 2023). The Court will not list every one of Petitioner's unsuccessful habeas cases. Suffice it to say that Petitioner is well aware that he must seek authorization from the Tenth Circuit in order to bring a second or successive habeas

petition. Petitioner has not indicated that he has received the required authorization and this Court therefore lacks jurisdiction to entertain his Petition. Further, given Petitioner's abusive filing history and failure to demonstrate that he meets the requirements for bringing a second or successive habeas petition, transferring this action to the Tenth Circuit is not warranted.

Accordingly, the Petition is dismissed for lack of jurisdiction. Petitioner has not met the standard for issuance of a certificate of appealability and a certificate of appealability is therefore denied.

**IT IS SO ORDERED** this 12<sup>th</sup> day of December, 2024.

  
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**DAVID L. RUSSELL**  
**UNITED STATES DISTRICT JUDGE**